IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

OP.No. 111 of 2001(L)

PETITIONERS:
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1. **MANU PAUL,**
   LAB. ASST. IN M.R.R. & T.V.
   N.I.V.H.S.S. MARAMPILLY, ALUVA-7.

2. **K.A. SURESH KUMAR,**
   LAB ASSTT. IN R.A.C.,
   V.H.S.S. KERALAM, TRICHUR DIST.

3. **RIYAD P.H.,**
   LAB ASSTT. IN PRINTING TECHNOLOGY,
   M.M.V.H.S. SCHOOL, PANAYAPPILLY,
   KOCHI-2.

BY ADV. SRI.K.RAMAKUMAR,
ADV. SRI.P.GOPINATH.

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF VOCATIONAL HIGHER SECONDARY EDUCATION, CHENTHITTA, VALIYASALA, THIRUVANANTHAPURAM.**

O.P. NO. 111/2001:

3. THE GENERAL MANAGER,
N.S.S. SCHOOLS, N.S.S. HEAD OFFICE,
CHANGANACHERY - 686 102.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.),
ADV. SRI.P.GOPAL.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 111/2001 IN O.P. NO. 111/2001-L

DISMISSED

22/11/2002. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE STAFF PATTERN OF TEACHERS IN THE V.H.S.S.

EXT.P.2: COPY OF THE ORDER DTD. 30/03/1991, ISSUED BY THE GOVT. OF KERALA.

EXT.P.3: COPY OF THE ORDER DTD. 28/09/91 ISSUED BY THE GOVT. OF KERALA.

EXT.P.4: COPY OF THE ORDER DTD. 29/11/96 ISSUED BY THE SECRETARY TO GOVT.

EXT.P.5: COPY OF THE COUNTER AFFIDAVIT FILED BY THE GOVT. IN O.P. 2705/97.

EXT.P.6: COPY OF THE ADDL. AFFIDAVIT SUBMITTED BY THE RESPONDENT IN CCC.NO.467/98.

EXT.P.7: COPY OF THE ORDER DTD. 13/01/97 ISSUED BY THE GOVT. OF KERALA.

EXT.P.8: COPY OF THE JUDGMENT DTD. 28/01/98 IN O.P. NO. 2705/97.

EXT.P.9: COPY OF THE REPRESENTATION DTD. 27/05/2000 SUBMITTED BY ONE PRADEEP KUMAR BEFORE THE HONOURABLE CHIEF MINISTER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P.NO.111 OF 2001

Dated 22nd November, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "To declare that appointments to the post of Instructors under the Vocational Higher Secondary Education Scheme introduced by the Government of Kerala can be made only from persons with experience in the concerned field.
>
> (ii) To issue a writ of mandamus commanding the Government to provide promotional opportunities to the Lab Assistants by framing special rules as has been already ordered by this Hon'ble Court and making the post of Lab Assistants the feeder category for the post of Instructors Vocation, like in the Kerala Technical Education Service."

In view of Exts.P4, P5 and P6, it is submitted that the petitioners and similarly situated persons are entitled to be promoted as Instructors. Since the Government is yet to issue an order in terms of their policy as disclosed in Exts.P4, P5 and P6, it is for the petitioners to approach the Government. In the event of the petitioners approaching the first respondent, the needful, in the light of Exts.P4, P5 and P6 shall be done with notice to the petitioners, third respondent and other affected party, if any,

within four months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.NO.111 OF 2001

J U D G M E N T

Dated 22nd November, 2007.